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C O N F I D E N T I A L BUENOS AIRES 000968

SIPDIS

STATE FOR GREGG RICKMAN, SPECIAL ENVOY DRL/SEAS
NSC FOR KOSAK AND ABRAMS
L FOR KEVIN BAUMERT

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TAGS: PGOV PREL ECON PHUM AR
SUBJECT: ARGENTINA: SPECIAL ENVOY RICKMAN RAISES SAIEGH
CASE WITH GOA OFFICIALS

REF: BUENOS AIRES 01924

Classified By: AMBASSADOR E. ANTHONY WAYNE FOR REASONS 1.4 (B) AND (D)

¶1. (C) Summary. On July 2, visiting Special Envoy for Monitoring and Combating Anti-Semitism Dr. Gregg Rickman met with Eduardo Saiegh, an Argentine Jew who gave up his bank under duress, after being kidnapped and tortured for a week by the military dictatorship in 1980. Saiegh reviewed the points of his case (ref A) and requested USG assistance in developing an action plan to urge the GOA to resolve the matter. On July 3 Rickman and DCM Kelly met with MFA Director General for Bilateral Affairs Vicente Espeche Gil to raise Saiegh's case. Espeche Gil expressed surprise that Rickman raised the case, stating that the response Rickman had previously received in Washington from Argentine Ambassador Hector Timerman "is the official Argentine position on the matter." He added politely, yet firmly, that "Argentina does not recognize the USG's interest in this case." In a separate meeting with the Ministry of Justice's Secretary of Human Rights Eduardo "Luis" Duhalde later that day, the Secretary stated that he found Saiegh's case "difficult to resolve through the administrative process" and recommended that Saiegh pursue his case through the Argentine courts. End Summary.

RICKMAN ASSURES SAIEGH HE WILL RAISE CASE WITH GOA

¶2. (C) On July 2, visiting Special Envoy for Monitoring and Combating Anti-Semitism Dr. Gregg Rickman, Foreign Affairs Officer Karen Paikin, and Embassy officials met with Eduardo Saiegh, an Argentine Jew who gave up his bank under duress, after being kidnapped and tortured for a week by the military dictatorship in 1980. Saiegh reviewed the main points of his case (as reported in ref A) and requested USG assistance in developing an action plan to urge the GOA to resolve the matter. Rickman assured Saiegh that he would raise his case with Argentine authorities to ask that his case be addressed fairly.

MFA'S RESPONSE: SAIEGH MUST GO THROUGH THE COURTS

¶3. (C) On July 3, Rickman, DCM Kelly, Paikin, and poloff met with MFA Director General for Bilateral Affairs Vicente Espeche Gil to raise the human rights case of Eduardo Saiegh. Rickman explained that he was not defending the merits of Saiegh's case, but asked that he be treated fairly and with justice. Espeche Gil expressed surprise that Rickman raised

the case, and politely, yet firmly, stated that Argentina's Ambassador to the United States Hector Timmerman had already explained to Rickman the GOA's position on the case. He said that Saiegh is an Argentine citizen who has access to the judicial system. If Saiegh is not satisfied with the outcome in the courts, he can take the matter to the Inter-American Commission on Human Rights (IACHR). He also reiterated that the GOA "does not acknowledge the USG's interest in this case," adding that "all Argentines have access to justice and that Saiegh is no exception." Rickman thanked Espeche Gil for his response and stressed that the USG's interest in the case is seeing that Saiegh is treated fairly under Argentine law.

DUHALDE'S RESPONSE: ADMINISTRATIVE SOLUTION "TOO DIFFICULT"

¶4. (C) Later that day, Rickman, DCM Kelly, Paikin, and poloff discussed Saiegh's case with the Ministry of Justice's Secretary of Human Rights Eduardo "Luis" Duhalde. Duhalde was accompanied by Senior Advisor Rodolfo Mattarolo and National Director for International Affairs on Human Rights Isssues Andrea Gualde. Rickman began by asking whether the GOA had a process whereby Argentine victims of the 1976-83 "Dirty War" could: 1) seek reparations from the GOA for the human rights abuses committed; and 2) seek restitution for assets seized during the military dictatorship. Duhalde stated that the GOA had a process for reparations, but not restitution. He explained that there are three different avenues for victims who seek reparations: 1) for those who "disappeared" during military rule, a fixed payment was given to next of kin; 2) for political prisoners,

payment is calculated on the basis of the number of days the person was detained; and 3) for children who were born in captivity and later illegally adopted by military families, payment is calculated based on when they were taken and injuries. He indicated that citizens seeking restitution of assets confiscated during the military regime seek redress in the courts.

¶5. (C) Rickman encouraged Duhalde to consider developing a process whereby Argentine citizens whose assets were confiscated during the military regime could seek reparations. Referring to his experience in developing such a process to address the claims of Jewish victims whose assets were confiscated under Nazi Germany, he suggested that this would provide victims the opportunity to come forward with their claims, offer evidence proving prior ownership, and apply for compensation. Duhalde replied that these issues are addressed by Argentina's judiciary, and that the law provides guarantees against impunity. Echoing Espeche Gil's response earlier, Duhalde also indicated that individuals who believe they did not receive justice, can take their case to the Inter-American Commission on Human Rights to request their assistance in reaching a "friendly resolution" to the dispute.

¶6. (C) Duhalde then noted that restitution cases are often difficult to prove because the military dictatorship made many illicit transactions using fake documents. Rickman pointed out that when he was working to resolve similar restitution claims in Europe dating back from the Nazi era, many claimants were able to establish ownership even after fifty years. Matarollo quipped, "That is Germany," noting that Germany is much better at recordkeeping. He also indicated that during the military dictatorship, it appeared that Saiegh's bank was "voluntarily liquidated" and not given up under duress.

¶7. (C) In Saiegh's case, Duhalde explained that he provided a legal opinion that Saiegh's experience was consistent with the methodology employed by the military dictatorship against victims of state terrorism including discrimination for being Jewish. He stated, however, that it was not legally binding and that it is "not within my power" to resolve Saiegh's case. He opined that Saiegh's case was "too difficult to

resolve through the administrative process" and recommended that Saiegh pursue his case "through the Argentine courts." Mattarolo indicated that he was sympathetic to Saiegh's concerns, and suggested that he file a claim against the state or even against the perpetrators themselves. He added, however, that Saiegh's case was not a case of discrimination because the military junta's "illegal repression was general and widespread". Rickman closed the meeting by thanking Duhalde for the explanation and reiterating U.S. interest in seeing Saiegh's case resolved fairly and with justice.

EPILOGUE: SAIEGH TO MOVE FORWARD IN THE COURTS

¶8. (C) Poloff briefed Saiegh on the outcome of the meetings on the margins of the Embassy's July 4th reception. Later that same evening, Saiegh told poloff that he had a long discussion with Secretary Duhalde who was also present at the reception. Saiegh asserted that Duhalde told him he would support his case in the courts and that continued U.S. interest in the case would help move the process forward. He thanked poloff for Rickman's and the Embassy's efforts to raise his case with the GOA and said he believed that pursuing his case through the federal courts in addition to the commercial courts would be the next step in seeking justice. Afterwards, poloff separately raised the matter with Duhalde who only confirmed that he recommended Saiegh go through the courts.

¶9. (U) This cable was cleared by Special Envoy Gregg Rickman.
WAYNE